

Appl. No. : 09/785,944
Filed : February 16, 2001

REMARKS

Claim 55 was rejected as anticipated by Fermann et al (5,880,877). The Examiner noted in the office action that the rejection under 35 U.S.C. 102 (e) can be overcome by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another". Applicant submits herewith a copy of a declaration from a related case, signed by the inventors of patent 5,880,877 stating that the amplification of single mode light in multi-mode fibers was the invention of Martin E. Fermann (the inventor of the present application). Applicant believes that this declaration provides the showing requested by the Examiner, and requests that this case, along with dependent Claims 56 and 57, be passed to issue.

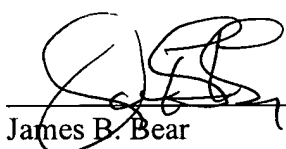
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/1/05

By: _____


James B. Bear
Registration No. 25,221
Attorney of Record
Customer No. 20,995
(949) 760-0404

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Appl. No. : 10/424,220
Filed : April 25, 2003

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin E. Fermann, et al.
Appl. No. : 10/424,220
Filed : April 25, 2003
For : MULTI-MODE FIBER
AMPLIFIER
Examiner : Delma R. Flores Ruiz
Group Art Unit : 2828

DECLARATION UNDER 35 USC 1.132 OF MARTIN E. FERMANN,
DONALD J. HARTER AND ALMANTAS GALVANAUSKAS

1. The undersigned Martin E. Fermann and Donald J. Harter are the two inventors of the above-captioned patent application.
2. The undersigned Martin E. Fermann, Donald J. Harter and Almantas Galvanauskas are the three named inventors in U. S. Patent 5,880,877 and its continuation patent, U. S. Patent 6,014,249.
3. The amplification of single mode light in a multi-mode fiber amplifier was the invention of Martin E. Fermann alone to the extent that it is disclosed in U. S. Patent 5,880,877 and U. S. Patent 6,014,249.
4. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like

Appl. No. : 10/424,220
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so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: 1/13/2005

By: Mart E.F.
Martin E. Fermann

Dated: 1/13/04 5:14

By: S. J. Harter
Donald J. Harter

Dated: Jan 13/2004

By: A. G. Gervais
Almantas Gervais

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